Rule Statement

Prairie View A&M University (PVAMU) must comply with all United States export control laws and regulations including, without limitation, those implemented by the Department of Commerce through its Export Administration Regulations (EAR) and the Department of State through its International Traffic in Arms Regulations (ITAR), as well as those imposed by the Treasury Department through its Office of Foreign Assets Control (OFAC).

Reason for Rule

PVAMU has an obligation to implement an export control compliance program to mitigate the risk of export control violations through education and awareness. All individuals conducting work for, and on behalf of the University must be aware of and responsible for the export control implications of their work and ensure that their activities conform to federal export control laws and regulations; those imposed by the state and the associated system regulations, policies and procedures. There are severe institutional and individual sanctions imposed by federal agencies, for violations of export control laws and regulations, including the loss of research funding, loss of export privileges, as well as civil and criminal penalties including imprisonment.

Official Procedures and Responsibilities

1. GENERAL

1.1 PVAMU encourages and supports faculty, staff, students and collaborative relationships in the pursuit of securing resources for the advancement of the University’s research agenda. The University supports open research and the free interchange of information among scholars and the educational benefit to cultivate and invest in students as professionals that contribute to the advancement of the research, scholarship and economic enhancement of society. The University also recognizes that the United States has enacted laws and regulations restricting the transmission of controlled information and controlled physical items for the purpose of protecting national, economic, security and foreign policy interests. These federal export control laws and regulations establish the conditions under which controlled information and controlled physical items can be transmitted to anyone outside the United States and to foreign persons in the United States. In addition, the export control laws and regulations restrict or prohibit the transaction of business with certain
countries, persons and entities that have been sanctioned by federal agencies as a threat to important U.S interests.

2. **INDIVIDUAL RESPONSIBILITY**

2.1 PVAMU employees and students engage in a broad range of innovative and important research activities that may involve Foreign Persons in the United States or abroad. When these activities also include the use of Controlled Information or Controlled Physical Items, the University requires that each individual, involved directly or indirectly, comply with the applicable requirements of United States export control laws and regulations.

2.2 All PVAMU employees and students, visiting professors/scientists, postdoctoral fellows, and other persons retained by, or working at, or for the University, irrespective of location, must conduct their affairs in accordance with United States export control laws and regulations. Compliance with all applicable federal and state legal requirements is nonnegotiable. In advancing the overall scholarship and research agenda of the University, it is equally important to maintain and facilitate an environment that works to achieve transparency in the participation of the researchers and collaborators from international settings.

2.3 Depending upon the nature of their activities and/or job functions, University employees may be required to participate in formal training as determined by the University’s Empowered Official(s) and/or the employees’ supervisors.

2.4 All PVAMU employees and students will comply with the provisions of any export license, governmental approval requirements, required certifications, technology control plans, and procedures.

3. **KEY ACTORS RESPONSIBLE FOR EXPORT CONTROL COMPLIANCE**

3.1 Empowered Official

3.1.1 The Vice President for Research and Graduate Studies (VPRGS) or his/her designee is the University’s “Empowered Official” for all purposes relating to applicable federal export control laws and regulations. The Empowered Official is responsible for license applications and other approvals required for compliance with export control laws and regulations, and serves as the University’s representative and point of contact with such agencies. The Empowered Official is the University official authorized to sign license applications and other authorizations required by export control laws and regulations on behalf of the University and to bind the University in any proceedings before government agencies with export control responsibilities.

3.1.2 As the Empowered Official, the VPRGS is the PVAMU official with final responsibility for ensuring compliance with export control laws and regulations.
3.2 Office of Research Compliance

3.2.1 The Office of Research Compliance reports to the VPRGS and has been delegated with the responsibility of ensuring compliance with the export control laws and regulations for the University.

3.2.2 The Office of Research Compliance, in cooperation with other appropriate offices, is responsible for directing and monitoring the University’s export control compliance program, record keeping, and for implementing procedures and/or guidelines to comply with federal export control laws and regulations, including developing, implementing and updating the Export Control Compliance Program Manual as set forth in Section 4.6 below.

3.2.3 When requested, the Office of Research Compliance will assist other offices and employees in export control assessments to determine compliance obligations with respect to PVAMU activities involving Foreign Persons, or international activities under applicable export control laws and regulations, and to determine the applicability of the Fundamental Research Exclusion or other exclusions as described in System Policy 15.02 Export Controls. The Office of Research Compliance will also assist with and conduct Restricted Party Screening and consult with the Office of General Counsel on export control matters as appropriate.

3.2.4 The Office of Research Compliance will conduct self-assessments of the University’s compliance with export control laws and regulations and report its findings to the VPRGS and/or the President every two years.

3.3 University Administrators

3.3.1 All PVAMU employees with managerial or supervisory authority over Foreign Persons or projects involving Controlled Information or Controlled Physical Items should view export control compliance as an important part of their day-to-day responsibilities. These individuals must support the Office of Research Compliance in implementing the procedures set forth by the University and as otherwise deemed necessary by the Empowered Official for export control compliance.

3.4 Principal Investigators

3.4.1 The Principal Investigator (PI) for a research project or program has the best understanding of the research and bears the responsibility of determining whether particular technology, data or information involved is subject to export control regulations.

3.4.2 PIs and Research Assistants are responsible for learning about export controls by completing the export compliance training offered through TrainTraq in addition to working with the Office of Research Compliance to ensure compliance with export control laws and regulations. This training must be completed prior to the initiation of a research project or program and every two years thereafter.
4. **EXPORT CONTROL COMPLIANCE PROGRAM**

4.1 **Research**

4.1.1 **Research Contract Administration**

4.1.1.1 The Texas A&M System Sponsored Research Services (SRS) or such other appropriate office(s), is responsible for screening sponsored research proposals for export control red flags during the proposal submission stage and Restricted Party Screening during the contract development stage. SRS will forward potential export control concerns to the Office of Research Compliance for export control determinations. Export control compliance related to sponsored research at PVAMU is the shared responsibility between the Principal Investigator (PI) and PVAMU. PIs must inform the Office of Research Compliance if there are deviations in the execution of the research plan that would require export control reviews.

4.1.1.2 The Office of Research Compliance is responsible for making export control determinations for compliance with export control laws and regulations. When the Office of Research Compliance determines that export control issues exist, it will ensure compliance with export control regulations through the adoption of a technology control plan or other procedures as needed.

4.2 **International Visitors**

4.2.1 It is the responsibility of all PVAMU employees intending to host an International Visitor to submit a written request for approval of such visit from the Office of Research Compliance before the arrival of the International Visitor.

4.2.2 **Restricted Party Screening for International Visitors**

4.2.2.1 In general, International Visitors intending to visit PVAMU must undergo a Restricted Party Screening as a prior condition of their visit to PVAMU as provided below.

4.2.3 **Subjected International Visitors**

4.2.3.1 All International Visitors whether present or not in the United States must undergo a Restricted Party Screening when the International Visitor:

4.2.3.1.1 Will be involved in a research project or collaboration, and will have access to laboratories and research facilities for the purpose of observing or conducting research;
4.2.3.1.2 Will be issued a PVAMU identification card, keys to offices or laboratories, or otherwise be given access to the PVAMU computing system in any manner; or,

4.2.3.1.3 Will be paid an honorarium, will be reimbursed for expenses, or will be provided something of value.

4.2.4 Exempted International Visitors

4.2.4.1 Restricted Party Screening of an International Visitor, as described in Section 4.2.3 above, is not required if none of the conditions in Section 4.2.3 exist, no honorarium or reimbursement of expenses will occur and if one or more of the following conditions exist with respect to the anticipated visit of the International Visitor:

4.2.4.1.1 The International Visitor will meet with colleagues to discuss a research project or collaboration;

4.2.4.1.2 The International Visitor will only tour labs or research facilities that are not otherwise restricted by United States export control laws; or,

4.2.4.1.3 The International Visitor will participate in general academic or scientific meetings or presentation(s).

4.2.4.2 It is the fiduciary responsibility of all PVAMU employees to comply with the initial terms and intent of the visit as communicated to the International Visitor and to immediately notify in writing the VPRGS, Provost and Senior Vice President for Academic Affairs, and SRS of any changes in the intent of the visit prior to engaging the International Visitor in any activity that may require a Restricted Party Screening as set forth in this University Rule, any related procedures or the University’s Export Control Compliance Program Manual.

4.3 International Activities

4.3.1 In the case of PVAMU activities conducted outside the United States, it is the responsibility of the PVAMU activity organizer to obtain appropriate export control approvals from the Office of Research Compliance, for the following activities, without limitation:

4.3.1.1 Execution of agreements to be performed outside the United States;

4.3.1.2 Non-credit bearing study abroad courses; and,

4.3.1.3 Making payments to foreign person vendors.

4.3.2 The Office of Research Compliance, in coordination with other appropriate offices, is responsible for developing and implementing
procedures to screen international programs, centers and activities for compliance with export control laws and regulations.

4.3.3 Students Studying Abroad

4.3.3.1 The Office of International Affairs is responsible for ensuring the performance of Restricted Party Screening on all the students enrolled in a PVAMU credit bearing program outside the United States who:

4.3.3.1.1 Are Foreign Persons; and,

4.3.3.1.2 Have not previously attended PVAMU; and,

4.3.3.1.3 Are not enrolled as continuing students at a college or university based in the United States.

4.4 Distance Education

4.4.1 Those responsible for offering distance education courses, in coordination with the Provost and Senior Vice President for Academic Affairs and the Office of Research Compliance, will screen courses as appropriate for purposes of compliance with export control laws and regulations and in accordance with the University’s Export Control Compliance Program Manual.

4.5 Purchasing and Financial Transactions

4.5.1 The Procurement and Contracts Offices, in coordination with the Office of Research Compliance, will develop and implement procedures to screen vendors as appropriate for compliance with export control laws and regulations.

4.6 Export Control Compliance Program Manual

4.6.1 The Office of Research Compliance in coordination with other applicable PVAMU offices, will develop, maintain and update on a biennial basis, an Export Control Compliance Program Manual for the University to serve as a guide for identification, administration and resolution of export control issues.

4.7 Training

4.7.1 The Office of Research Compliance, in coordination with other applicable offices, will develop and implement an appropriate PVAMU training program.

4.7.2 University employees with managerial or supervisory authority over Foreign Persons or projects involving Controlled Information or Controlled Physical Items are required to take the Office of Research Compliance’s basic export control online training course at least once every two years.
4.7.3 Depending on the nature of an individual’s activities and/or job functions, a PVAMU employee may be required to take the TrainTraq basic export control online training course and/or supplemental export control training every two years as deemed appropriate by the individual’s supervisor and/or the Empowered Official.

4.8 Shipping

4.8.1 It is the responsibility of PVAMU personnel who are shipping items outside the United States (including hand-carried items such as research equipment, materials, data, and biological materials) to comply with export control laws and regulations in coordination with the Office of Research Compliance and the Office of Environmental Health and Safety.

5. RESOLVING EXPORT CONTROL ISSUES

5.1 Once a potential export control issue is identified, the Office of Research Compliance will work with all parties involved to determine what course of action will be taken to address the issue. In each case, the Office of Research Compliance will determine:

5.1.1 If the conditions merit an application for a license or other authorization;

5.1.2 If the conditions are such that an exclusion or license exception may be obtained; or,

5.1.3 If a Technology Control Plan (TCP) or other requirements for conducting research will be necessary to prevent unauthorized export of technology from occurring.

6. POSSIBLE VIOLATIONS

6.1 Each PVAMU employee has the responsibility to report possible violations of United States export control laws or regulations. Suspected violations and the details of the suspected violation should be reported to the University’s Empowered Official. Suspected violations may also be reported via the State Auditor’s Office Ethics and Compliance hotline.

6.2 Possible violations of United States export control laws or regulations will be investigated by the Empowered Official or his/her designee to the extent deemed necessary.

6.3 The Empowered Official will determine whether notification to an appropriate government agency is required.

7. DISCIPLINARY ACTIONS

7.1 The Empowered Official is authorized to suspend or terminate a research, teaching, testing or other export activity if the Empowered Official determines that the activity is not in compliance, or will lead to noncompliance, with export control laws and regulations.
7.2 Employees and students may be subject to disciplinary action, up to and including termination per System Policies and Regulations, for violating U.S. export control laws or regulations.

8. RECORD KEEPING

8.1 Records required to be maintained by export control laws and regulations shall be kept for the longer of:

8.1.1 The record-retention period required by the applicable export control regulations (see 15 C.F.R. Part 762 (ITAR); 22 C.F.R. §122.5, 22 C.F.R. §123.22 and 22 C.F.R. § 123.26 (EAR); and 31 C.F.R. §501.601 (OFAC), or

8.1.2 The period required for the retention of records as set forth in System Policies and Regulations and University Rules.

8.2 Records will be maintained by the Office of Research Compliance and/or the appropriate office responsible for the export or activity.

Related Statutes, Policies, Regulations and Rules

International Traffic in Arms Regulations (ITAR) 22 C.F.R. §§120-130

Export Administration Regulations (EAR) 15 C.F.R. §§700-799

Office of Foreign Assets Control (OFAC) 31 C.F.R. §§500-599

National Security Decision Directive 189


System Policy 15.02 Export Controls

Definitions

Deemed Export - the transfer of Controlled Information or Controlled Physical Items, or the provisional defense services to a Foreign Person in the United States is deemed to be an Export to the home country or countries of the Foreign Person, and is subject to the export control laws and regulations.

Empowered Official - the “Empowered Official” is defined in 22 C.F.R §120.25. The Empowered Official has independent authority to: (i) inquire into any aspect of a proposed export or temporary import by the University; (ii) verify the legality of transaction and the accuracy of the information to be submitted; and, (iii) refuse to sign any license application or the request for approval without prejudice or other adverse recourse.
**International Visitors** - International Visitors are Foreign Persons having a residence in a foreign country, who are not employees or enrolled students of PVAMU, and are visiting PVAMU at the request of a faculty member, researcher or administrator of PVAMU.

**Restricted Party Screening** – determining whether a person or entity is included on the Specially Designated Nationals and Blocked Persons List included in the screening software made available by the Office of Research Compliance.

**Contact Office**

Office of Research Compliance 936-261-1553